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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER NGUYEN, HANH N	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 05/30/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/579,348

Applicant(s)

PEARCE ET AL.

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 3/19/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SR/08)
Paper No(s)/Mail Date 2/13/07; 8/7/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet

Continuation of Attachment(s) 6). Other: IDS 2/6/07;11/16/05;4/12/05;8/11/04.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 15, 29, 38, 46 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 15 and 46, is the added “call manager” on line 7 referred to “ a first call manager” or “ a second call manager” on line 6; or “ a plurality of call manager” or “ each call amanger” on line 3 ?. Further, it is not clearly stated whether “ a change in which call manager controls a device” is refered to “a change of the first and the second call managers ‘statuses” that controls a device ?.

Regarding claim 29, what is meant on line 3 by stating “one or more device processes controlling one or more devices coupled to the packet-based network”?. Further, on line 5, are “ with the devices” referred to the first “ one or more device” or the second “ one or more device” on line 3 ?

Claims 2-7, 16-28, 30-37and 47-53 are rejected because they depend on claims 1, 15, 29, and 46 respectively.

Regarding claim 38, is “ the devices” on line 4 referred to “ one or more devices” on line 3 ?. Further, is “ a device” controlled by the “ call manager” on line 7 referred to “ one or more devices” on line 3 or “ the devices” on line 4 ?

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the disclosed invention is inoperative and therefore lacks utility.

Claim 38 is not statutory because "first call manager software embodied in a computer readable medium" as shown in the preamble is not executed in a computer processor to perform the required steps. Therefore, claims 39-45 are rejected because they depend on claim 38 respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2-7, 9, 15-53 are rejected under 35 USC 102(e) as being anticipated by Kung et al. (US pat. No. 6,671,262 B1).

In claims 1, 15, 38 and 46, since applicant does not clearly indicate in the claims that whether “call manager controls a device” is referred to “a first call manager control a device” or “a second call manager controls a device” on line 6; or “a plurality of call managers” or “each call manager” on line 3; or whether “a change in which call manager controls a device” is referred to “a change of the first and the second call managers ‘statuses’ that controls a device?”. Therefore, examiner interpretes broadly the meaning of “call manager controls a device” as either the first call manager or the second call manager that controls a device.

Kung et al. discloses, in fig.1, a plurality of IP central station 200 (col.5, lines 1-5). Each IP central station 200 (as shown in Fig.2), includes a call manager 218 which is coupled to IP network 120 (see col.6, line 63 to col.7, line 1; a first call manager and a second call manager are coupled in a packet based network). The call manager includes a storage listing number of subscribers, verifies identity of the calling subscribers and authenticates whether a call is authorized (storing registration information associated with devices). See col.10, lines 25-35 and lines 55-65.

One of functions of the call manager 218 is to provide call setup, call state maintenance, teardown, call processing such as voice over IP for a user (see col. 9, lines 10-50 and col.10, lines 10-25; a call manager controls a device). In response to a new call wishes to join into an existing conference (step 1301; fig.13; col.36, lines 15-20) and the current call manager 218, after polling its conference servers for available resource (step 1307, Fig.13; col.36, lines 30-43), defines that its servers does not have enough resources to provide the new call. The call

manager 218 communicates with other call managers 218 in other Ip domains (step 1315; col.36, lines 42-47) requesting available resource for the new call (see col. 36, lines 45-55; communicating status information from a first call manager to a second call manager in response to a change of a call manager controlling a device). Therefore, At step 1327, fig.13, the new call manager 218 updates the new calling subscriber to the conference call (updating registration information by the second call manager in response to receiving the status information). See col.36, lines 55-60.

For more information, the call manager 218 further comprises one or more databasees including resources that are connected to the broadband network 1 (fig.1) and their current states (col.10, lines 55-65).

In claim 29, Kung et al. ('262) discloses one or more devices controlling one or mores devices coupled to the packet base network (see claim 1; call manager 218 supports call setup, call teardown, maintains call states, call state change in response to a new call is established; col.9, lines 40-45 and col.10, lines 10-20); a digit analysis module storing registration information (see col.9, lines 15-35; after receiving a call at the call manager 218, announcement server 220 recognizes the dialed number is incorrect, the call did not go through, the line is busy, the called number has been changed. It is clearly indicated that the announcement server 220 analyses the called number to determine whether the called number is correct or not). Kung further discloses in response to a change in the control status of a device controlled by the first call manager (see fig.13, step 1301; when a new call is added to a conference call controlled by accall manager 218), the first call manager operable to communicate status information from the

digit analysis module to a second call manager (see claim 1, col.36, lines 30-55; the call manager 218 communicates to other call manager 218s (step 1315) requesting resources for the new call).

Claims 30-37 depend on claim 29. Therefore, they are rejected under claim 29 as well.

Claims 2-7, 9, 16-28, 39-45 and 47-53 depend on claims 1, 15, 38 and 46. Therefore, they are rejected under claims 1, 15, 38 and 46 as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10-13, 14 are rejected under 35 USC 103(a) as being unpatentable over Korpi et al. (US pat. No. 6,785,223 B1) in view of Dalgic et al. (US Pat. No. 6,925,076 B1).

In claims 8, 10 and 14, Korpi et al. discloses a method for device registration replication (See fig.4), comprising: providing a plurality of call managers in a packet-based network (see fig.1; gatekeepers 104a (first call manager) and 106a (second call manager) in packet network 101a), each call manager controlling one or more devices coupled to the packet-based network and storing composite registration information associated with the devices (see col.5, lines 47-52; fig.4, step 402; client 1 registers with gatekeeper 1); determining that a first call manager has gone off-line (see fig.4, steps 412, 416, col.6, lines 30-45; gatekeeper 1 is detected as “down”). Korpi et al. does not disclose deleting registration information associated with the first call manager from the composite registration information stored by a second call manager. Dalgic et

al. discloses in the relate art, col.1, lines 65-67, that if a gatekeeper fails, all of the information about calls in the gatekeeper are lost. This concept is well-known. However, to address the claimed limitation, Dalgic et al. further discloses, in fig.1, col.2, lines 50-60, if the gate controller 104 (call amanger) fails, a secondary gate controller 118 (a second call manager) send message to edge router 120 to update the call state information. Updating the call state information made by the secondary gate controller implies that call state information associated with the failed gate controller does not exist anymore and deleted. Therefore, it would have been obvious to one ordinary skill in the art to apply the taught feature of Dalgic into Korpi in order to continue calls when a gate controller fails. The motivation is help secondary gate controller monitor status of other gate controller to determine any interruption and update the network.

Claims 11-13 depend on claim 10. Therefore, they are rejected under claim 10 as well.

Response to Arguments

Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 8, 10 and 14, the new limitations added into the claims do not change the subject matter of the claims. Therefore, the claims 8, 10 and 14 maintain the current rejections in the record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jesurum et al. (US pat. No. 5,430,792) discloses Automated telephone Calling System.

Sato et al. (US Pat. No. 6,718,482 B2) discloses Fault Monitoring System.

Falls et al. (US pat. No. 5,950,198) discloses Processes and Apparatuses for Generating Correspondency through Replication and Synchronization between Target and source computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday from 8AM to 4:30PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field , can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571 272 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



HANH NGUYEN
PRIMARY EXAMINER